

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

Kevin A. Tolliver,

Plaintiff,

VS.

Case No. 2:16-cv-1020

Judges: G. Smith/Jolson

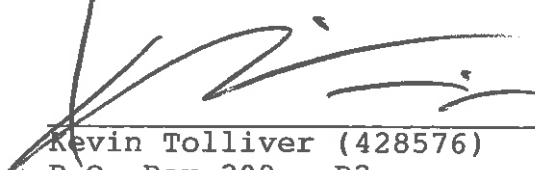
Warden Nobel, et al.,

Defendants.

NOTICE OF APPEAL

Plaintiff Kevin A. Tolliver hereby appeals from the United States district Court opinion denying preliminary injunction request and temporary restraining order (Doc. 67 and Doc. 61). Said entry was made on July 17, 2019.

Respectfully submitted,



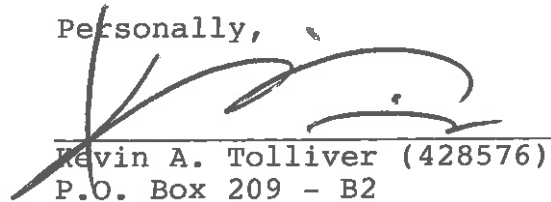
Kevin Tolliver (428576)  
P.O. Box 209 - B2  
Orient, OH 43146  
Plaintiff, Pro se.

July 31, 2019

CERTIFICATE AND PROOF OF SERVICE

I hereby certify that on July 31, 2019, I mailed my Notice of Appeal to the Clerk of the U.S. District Courts for filing and served a true copy to Counsel for defendants Dave Yost at 150 E. Gay Street, Columbus, OH 43215 by placement in the legal mail system at Pickaway Correctional Institute with first class postage paid, for that is the only method available to me.

Personally,



Kevin A. Tolliver (428576)  
P.O. Box 209 - B2  
Orient, OH 43146

Plaintiff, Pro se

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**KEVIN A. TOLLIVER,**

**Plaintiff,**

**vs.**

**Case No.: 2:16-cv-1020  
JUDGE GEORGE C. SMITH  
Magistrate Judge Jolson**

**WARDEN NOBEL, *et al.*,**

**Defendants.**

**ORDER**

On June 21, 2019, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's Motion for Preliminary Injunction and Temporary Restraining Order be denied. (*See Report and Recommendation*, Doc. 61). The Magistrate Judge also directed Defendants to respond to Plaintiff's Offer of Settlement and Defendants have so complied and filed a Notice of Compliance on the Court's docket. (*See Doc. 66*). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the *Report and Recommendation*. (Doc. 65). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

In his objections, Plaintiff continues to make the same arguments he raised in his Motion for Preliminary Injunction and Temporary Restraining Order, that were carefully considered by the Magistrate Judge in the *Report and Recommendation*. Plaintiff has failed to establish any basis for reconsideration of the Magistrate Judge's conclusions, but merely disagrees with her conclusions. Plaintiff suggests that the Magistrate Judge may have misunderstood his arguments

with respect to the failure of the prison to transfer both of his legal boxes, however, the Magistrate Judge did address this and at this time, Plaintiff has failed to show intentional conduct by Defendants to justify injunctive relief. Therefore, for the reasons stated in the *Report and Recommendation*, this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The *Report and Recommendation*, ECF No. 61, is **ADOPTED** and **AFFIRMED**.  
Plaintiff's Motion for Preliminary Injunction and Temporary Restraining Order is **DENIED**.

The Clerk shall remove Documents 34, 61 and 65 from the Court's pending motions list.

**IT IS SO ORDERED.**

/s/ George C. Smith

**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**

K. Tolliver 428576  
P.O. Box B2  
Orient, OH 43146

Clerk of Court  
85 Marconi Blvd.  
Columbus, OH 43215

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